

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Before the Board of Patent Appeals and Interferences

In re the Application of

Sven Kornfalt

Serial No.: 10/581,261

Filed: July 11, 2006

For: **FLOORING SYSTEM WITH A PLURALITY OF DIFFERENT DECORATIVE  
UPPER SURFACES**

**APPEAL BRIEF**

Thomas P. Pavelko  
Registration No.: 31,689  
NOVAK DRUCE & QUIGG LLP  
1300 Eye Street, NW  
1000 West Tower  
Washington, D.C. 20005  
Telephone: (202) 659-0100  
Facsimile: (202) 659-0105

Attorney for Appellant

Date: October 14, 2009

(i) REAL PARTY IN INTEREST

The real party in interest is the assignee of the inventor's interest, Pergo (Europe) AB, a company formed under the laws of Sweden having a principal address in Trelleborg, Sweden.

(ii) RELATED APPEALS AND INTERFERENCES

There is no known prior or pending appeals, judicial proceedings or interferences, known to Appellant, his assignee, or undersigned counsel which may be related to, directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

(iii) STATUS OF CLAIMS

Claims 1-11, 13-20 stand finally rejected and are the subject matter of this appeal.

Claims 12, all the remaining claims in the application, has been canceled.

(iv) STATUS OF AMENDMENTS

There was a single amendment filed subsequent to final rejection and the Advisory Action dated July 16, 2009, indicates the amendment would be entered for purposes of appeal.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

(a) Independent claim 1 is directed to a flooring system comprising a plurality OF panels, the panels comprising a carrying a panel provided with edges, said edges then provided with means for joining. (Abstract, first sentence; specification page 1, third paragraph second and third lines) the "means for joining" may be mechanical joining such as "snap-joining functionality" or may be chemical joining such "pre-applied glue" or alternatively may utilize traditional tongue and groove joint which is glued, see page 1, last three lines and page 2, first two lines. The carrying panel being further provided with an upper side and a lower side (Specification third paragraph, lines 3-4). The flooring system comprising the plurality of panels (Specification first paragraph) where each carrying panels is provided with an upper decorative surface on the upper side of the carrying panel (Specification page 1, third paragraph, lines 5-6) and that the flooring system comprising panels having at least two of the decorative surfaces

being different from each other and independently consisting of a decorative material selected from the group consisting of thermosetting composites, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a fabric, a mineral and a mineral composite (Specification page 1, third paragraph, lines 6-10).

(b) Claim 2 requires the edges being provided with snap-joining functionality (Specification page 1, last three lines).

(c) Claim 8 requires the thermosetting composites to comprise a radiation curing resin (Specification page 2, last paragraph).

(d) Independent claim 10 requires a flooring system comprising a plurality of panels, the panels comprising a carrying panel provided with edges, said edges being provided with means for joining (Abstract, first sentence; Specification page 1, first paragraph, third paragraph lines 1-3). As disclosed herein "means for joining" may be mechanical joining such as snap-joining functionality (Specification page 1, last three lines or it may be chemical joining such as pre-applied glue, specification page 1, last line to page 2 first line or may utilize traditional tongue and groove joint which is glued, specification page 2 second line. The carrying panels further being provided with an upper side and a lower side (Specification page 1, fourth line) when the flooring system comprises a plurality of panels (Abstract, second-third lines, Specification page 1, first paragraph) where each carrying panel is provided an upper decorative surface on the upper side of the carrying panel, (Abstract, second-third lines; Specification page 1, third paragraph lines 5-7) having at least two of the decorative surfaces of the carrying panels being different with one consisting of a thermosetting composite and with another independently consisting of a decorative material selected from the group consisting of a thermosetting composite, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a fabric, a mineral and a mineral composite, (Specification page 1, third paragraph lines 8-10), wherein the elastomeric foil is selected from the group consisting of

thermoplastic elastomers, synthetic rubber and natural rubber (Specification page 3, lines 1-3).

(e) Independent claim 14 is also directed to a flooring system comprising a plurality of panels, at least one panel differing in at least one of aesthetic or mechanical properties from another panel of the system, (Specification page 1 second paragraph lines 6-7). Each panel is provided with edges, said edges being provided with “means for joining”, Specification page 1, last three lines to page 2, first two lines. The term “means for joining” may include mechanical joining such as snap-joining functionality, (Specification page 1, last three lines) or chemical joining i.e. pre-applied glue, (Specification page 1, last line to page 2 first line) or traditional tongue and groove joining which is glued (Specification page 2, second line). Each panel is provided with an upper decorative surface and the flooring system comprises panels where at least two of the decorative surfaces of the flooring system are selected from the group consisting of thermosetting composite, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a metal sheet, a fabric, a mineral and a mineral composite (Specification page 1 third paragraph lines 7-10) and at least one of the panels comprising a decorative surface comprising a thermosetting composition and at least one of the panels of the flooring system comprises a decorative surface of elastomeric foil (Specification page 2, last paragraph to page 3, first paragraph).

(f) Independent claim 15 claims a flooring system comprising a plurality of panels, at least one panel differing in at least one of aesthetic or mechanical properties from another panel of a system, (Specification page 1, paragraph two, lines 5-6), each panel being provided with edges, the edges being provided with means for joining, (Specification page 1, last three lines to page 1, lines 1 and 2). As used herein “means for joining” may be mechanical joining, such as “snap-joining functionality” (Specification page 1, last three lines) or chemical joining, e.g. pre-applied glue” (Specification page 1, last line to page 2, first line), or traditional tongue and groove

joint which is glued (Specification page 2, line 2). The panel being further provided with an upper side and a lower side (Specification page 1, third paragraph lines 3-4) wherein the flooring system comprises a plurality of panels where each panel is provided with a upper decorative surface and that the flooring system comprises panels wherein at least a portion of the panels comprise an elastomeric foil as the decorative surface while the rest of the panels have a high-gloss wood design of thermosetting composition, (Specification page 3, first paragraph.

(g) Dependent claim 17 requires the fabric to comprise a needle loom carpet (Specification page 4, line 6).

(vi) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- (1.) The rejection of claims 1-2, 7 and 13 under 35 U.S.C. 102(b) as being anticipated by Grau (WO 03/060256) with evidence by Grau (U.S. Publication application (U.S. 2005/0115181).
- (2.) The rejection of claims 1, 4-6, 8-10 and 13 under 35 U.S.C. 102(b) as being anticipated by Hansson et al (U.S. Patent 6,465,046).
- (3.) The rejection of claims 1, 10, 13 and 16 under 35 U.S.C. 102(b) as anticipated by, or in the alternative over Sjoberg (U.S. Published Application U.S. 2004/0170812).
- (4.) The rejection of claims 1-3, 7 and 11 under 35 U.S.C. 103(a) as being unpatentable over Martensson (U.S. 6,397,547) in view of Sjoberg (U.S. 2004/0170812).
- (5.) The rejection of claims 4-9 and 11 under 35 U.S.C 103(a) as being unpatentable over Grau (WO 03/060256) with evidence by Grau (U.S. 2005/0115181) in view of Hansson et al (U.S. 6,465,046).

- (6.) The rejection of claim 14 under 35 U.S.C. 103 (a) as being unpatentable over Grau (WO 03/060256) with evidence by Grau (U.S. 2005/0115181) in view of Hansson et al (U.S. 6,465,046)
- (7.) The rejection of claim 14 under 35 U.S.C. 103 (a) as being unpatentable over Grau (WO 03/060256) with evidence by Grau (U.S. 2005/0115181) in view of Sjoberg et al (WO 02/47906).
- (8.) The rejection of claim 15 under 35 U.S.C. 103(a) as unpatentable over Grau (WO 03/060256) with evidence by Grau (U.S. 2005/0115181) in view of Sjoberg et al (U.S. 2004/0812).
- (9.) The rejection of claim 17 under 35 U.S.C. 103 (a) as being unpatentable over Grau (WO 03/060256) with evidence by Grau (U.S. 2005/0115181).
- (10.) The rejection of claims 17-18 under 35 U.S.C. 103(a) as being unpatentable over Sjoberg (U.S. 2004/0170812) in view of Bettinger (U.S. 3,811,237).
- (11.) The rejection of claims 18-20 under 35 U.S.C.103 (a) as being unpatentable over Grau (WO 03/060256) with evidence by Grau (U.S. 2005/0115181) in view of Sjoberg et al. (WO 02/47906).
- (12.) The rejection of claim 19 under 35 U.S.C. 103 (a) as being unpatentable over Sjoberg (U.S. 2004/0170812) in view of Bettinger (U.S. 3,811,237) and Martensson (U.S. 6,397,547).
- (13.) The rejection of claims 1 and 10 under 35 U.S.C. 103 (a) as being unpatentable over Sjoberg et al (WO 02/47906) in view of Sjoberg (U.S. 2004/017812).
- (14.) The rejection of claim 20 under 35 U.S.C. 103 (a) as unpatentable over Sjoberg (U.S. 2004/0170812) in view of Bettinger (U.S. 3,811,237) and Sjoberg (WO 02/47906).

(vii) ARGUMENT

(1.) The rejection of claims 1-2, 7 and 13 under 35 U.S.C. 102(b) as being anticipated by Grau (WO 03/060256) with evidence by Grau (U.S. 2005/0115181). Initially, the Examiner states that Grau '181 is the English equivalent to Grau '256. The Examiner provides no reasoning for making such a statement nor to applicant's knowledge is there evidence that Grau '256 contains the teachings relied upon by the Examiner with reference to Grau '181. It is of course a basic concept of Patent law that the party asserting a reference as prior art has the duty to establish that it is, in fact, prior art.

The Grau '181 reference is not prior art within the sense of 35 U.S.C. 102 (e) because the PCT application was not in English. See MPEP 706.02 (f) (1). Note the French language of Grau '256. Grau '181 did not publish until after applicant's filing date so it is neither 102 (a) or (b) reference and, as Examiner has never provided applicant with an English language Translation of Grau '256, applicants submit that the Examiner has not established that Grau '256 is anticipatory of the claimed invention.

Applicants do note that Grau '181 contains panels wherein each of the panels include a series of "identical and rigid slab framing modules (1, 8) in at least one plane", See, for example, the Abstract and the Specification paragraph [0061]. As disclosed by the authors in paragraph [0062] of Grau '181 the strips making up framing modules 1, 8 "may be entirely of metal". They may also be full laminas, made of wood or laminate. In a preferred version, the strips of multiple components: they are produced from metal, preferably aluminum, profiles and have an upper decorative laminate adhesively bonded or fixed by any suitable means on the metal profile".

As such, Grau '181 does not teach the claimed invention which requires "flooring system comprises panels having at least two of the decorative surfaces being different from each other and independently consisting of decorative material selected from the group consisting of a thermosetting composite, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a fabric, a mineral and a mineral composite," (emphasis added) (claim 1). Because Grau does not

expressly (or inherently) disclose such limitations, it cannot possibly be anticipatory of the claimed invention.

In addition, dependent claim 2 requires that the edges of the panels “are provided with snap-joining functionality”. There is absolutely no disclosure of such a structure in the Grau reference. Attention is directed to paragraph [0037] in which it is stated that “the mating jointing structures are adapted to define, when they are fitted together, a horizontal common board intended to receive a rod in order to prevent their relative displacement”(emphasis added). Thus, there is absolutely no disclosure of the claimed snap-fitting functionality.

It is of course readily apparent from the Director’s instruction to the examining corps embodied in MPEP 2131 that in order to anticipate there must be identity of the reference with the claimed subject matter. The Examiner in the final rejection, although paraphrasing applicant’s claimed structure, does not point to any portion of the cited Grau reference in an attempt to explain where such snap-joining functionality can be found.

In response to the Examiner’s argument that “claim 1 does not require each panel to only have one decorative surface and not two or more decorative surfaces” appellant respectfully points out the limitation in claim 1 that the “panels having at least two of the decorative surfaces being different from each other and independently consisting of a decorative material selected from the group...”. Appellants respectfully submit that the “consisting of a decorative material negates the Examiner’s interpretation that each panel contains multiple decorative surfaces. Furthermore, the claims absolutely require that the materials of one surface of one panel be different from another surface of a different panel and the Examiner’s argument that “two panels will have two physically different surfaces since they are different panels” does not take into account applicant’s Markush Group limiting the panel’s surface to those materials within the Markush Group. The Examiner’s arguments pertaining to claim 12 are deemed moot in view of the cancellation of claim 12 prior to appeal.

Although the Examiner points to members numbered 35 and number 34 in figure 10 of Grau ‘181 the disclosure found in Grau ‘181 relative to tenon and mortice joining portions is



found in paragraph [0037] where it is stated that “the tenon is in this case preferable produced in and (at least slightly) elastically deformable material and has at least one horizontal shoulder defining a head of a tenon intended to fit with force into the mating head of the mortice in order to prevent the vertical relative displacement of the mating joining structures”. There is absolutely no disclosure of a “snap-joining functionality” and merely because the tenon is elastically deformable does not necessarily mean that it will “snap-join” because there is no disclosure of whether the mortice will permit the elastically deformable material to “snap into” the mortice. Mere forcing of the elastically deformable material into the mortice does not expressly, nor inherently, result in “snapping” and thus, there is absolutely no disclosure sufficient to constitute anticipation of the limitations of dependent claim 2.

(2.) The rejection of claims 1, 4-6, 8-10 and 13 under 35 U.S.C. 102 (b) as being anticipated by Hansson et al. (U.S. Patent 6,465,046). While the Examiner alleges that Hansson ‘046 teaches a flooring system comprising a plurality of panels, with at least one panel differing in aesthetic properties from another panel of the system, the Examiner only points to a decorative surface pattern element such as a “map” extending over several panels thus, providing for differing aesthetic properties on the different panels since each panel has a different section of the map. (Final Rejection page 6, first paragraph). While applicant agrees with the Examiner’s paraphrasing of the teachings of Hansson ‘046, the Examiner ignores the remaining limitations of the claims, e.g., claim 1 “panels having at least two of the decorative surfaces being different from each other and independently consisting of a decorative material selected from the group consisting of a thermosetting composite, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a fabric, a mineral and a mineral composite”. There is no disclosure whatsoever in Hansson ‘046 that the different portions of the map are constituted by two different materials selected from this Markush Group of independent claim 1. In addition, independent claim 10, requires that the flooring system comprising panels having at least two of the decorative surfaces of the carrying panels being different with one consisting of a thermosetting composite and with another independently selected from the recited Markush group. Again, the Examiner has not shown where Hansson ‘046 teaches one panel with one type

of surface material and another panel with another type of surface material, he has only shown that the pattern on the panel differs from one panel to another. This is not applicant's claimed invention and again fails to establish a case of anticipation for the claimed invention; See MPEP section 2131.

(3.) The rejection of claims 1, 10, 13 and 16 under 35 U.S.C 102 (e) as anticipated by or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Sjoberg (U.S. 2004/0170812).

While applicant agrees Sjoberg '812 teaches a flooring system with surface structures and each panel with edges, again there is no teaching as specified in each of independent claims 1, 10 of the floor panels not having different decorative patterns but rather of the floor panels having different decorative surfaces of the type specified in applicant's Markush Group. Furthermore, claim 16 dependent not on claim 10, includes the additional limitation that the decorative surface of thermosetting laminate is in the form of a high-gloss wood design. The Examiner has pointed to no portions of the Sjoberg '812 reference which teaches such a "high-gloss design". Sjoberg at paragraph [0011] teaches that it is "possible to use microstructures achieving mat or semi-gloss surfaces" but neither figures 1, nor 9, nor any portion of the specification, teaches the word "high-gloss" as specified in claim 16. Absent such a teaching it is clear that there is no anticipation, nor is there any basis for alleging that high-gloss is capable in the process of Sjoberg '812. In accordance with *KSR*, the Examiner must act as a fact finder and find each of the claimed limitations in the cited prior art. In the absence of such a citation, the Examiner has failed as the fact finder and cannot establish a prima facie case of obviousness for the claimed invention. See also the standard for anticipation as set forth in MPEP 2131.

(4.) The rejections of claims 1-3, 7 and 11 under 35 U.S.C. 103(a) as being unpatentable over Martensson (U.S. 6,397,547), in view of Sjoberg '812. The deficiencies of Sjoberg '812 have been noted above with regard to independent claim 1. Martensson, although teaching a flooring system, does not teach a flooring system comprising panels with at least two of the decorative surfaces being a thermoplastic composite, or a thermoplastic foil. Although the Examiner cites column 3, lines 23-30 and Figure 2, number 1, the Examiner acknowledged that

Martensson “fails to expressly disclose the panel being different and independently consisting of decorative material”(Final Rejection, page 10, lines 1-2.

As noted above, Sjoberg ‘812, also does not contain this teaching. While in the Final Rejection, the Examiner mentions in the body of the rejection that “claims 1 and 10 do not require each panel to only have one decorative surface and not two or more decorative surfaces”, claim 10 is not instantly rejected over the combination of Martensson and Sjoberg ‘812 and thus, such comments are deemed moot. As to claim 1, it is clear from the discussion above that claim 1 does require each panel to have only one decorative surface (i.e. “at least two of the decorative surfaces being different from each other and independently consisting of a decorative material selected from the group consisting of...”. Having failed to find such a teaching in the combination of Martensson and Sjoberg ‘812, the stated rejection fails to establish a prima facie case of obviousness for the claimed invention.

(5.) Claims 4-9 and 11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Grau ‘256, with evidence by Grau ‘181, in view of Hansson ‘046. Each of these references have been discussed above and applicant again reiterates the arguments that the Examiner has not carried forth his burden in showing that Grau ‘256 contains teachings attributed thereto. Furthermore, with applicants reference to Grau ‘181, each of his panels contains the same metallic or thermosetting surface and Hansson ‘046 does not cure this deficiency in Grau because Hansson ‘046 is directed to different patterns, not different materials. Accordingly, the stated rejection fails to establish a prima facie case of obviousness for the claimed invention.

(6.) The rejection of claim 14 under 35 U.S.C 103 (a) as being unpatentable over Grau ‘256 with evidence by Grau ‘181 in view of Sjoberg ( WO 02/47906). The deficiencies of Grau have been discussed above which comments are herein incorporated by reference.

While the Examiner alleges that Sjoberg ‘906 flooring panels “made of elastomeric foil” comprising thermoplastic elastomers for the purpose of providing a flooring panel that is resistant to abrasion, chemicals and sound, in the claimed invention the elastomeric surface of claim 14 is the decorative surface. (See the recitation “decorative surface of elastomeric foil”).

In Sjoberg '906, the elastomer is arranged between the upper side of the core and the abrasion resistant thermosetting laminate (See abstract and Specification page 1, fifth paragraph, lines 4-10). Thus, the Examiner's citation of Sjoberg, does not teach the limitation that he attributes to it, and thus cannot be sufficient to establish a prima facie case of obviousness for the claimed invention.

(7.) The rejection of claim 15 under 35 U.S.C. 103 (a) as being unpatentable over Grau '256 with evidence by Grau '181, in view of Sjoberg '812.

As noted above, none of these references teach a "high-gloss wood design". It appears that the Examiner now *sub silencio* admits that Sjoberg '812 does not teach high gloss surface as he now states that "whether or not a glossy surface is provided is a mater (sic-matter) of user preference and obvious to select".

However, in accordance with *KSR*, the Examiner must act as a fact finder and he has not cited any reference which teaches a "high-gloss wood design" surface. Accordingly, the Examiner again has failed as a fact finder and fails to establish a prima facie case obviousness under 35 U.S.C. 103 (a).

(8) The rejection of claim 17 under 35 U.S.C. 103 (a) as being unpatentable over Grau '256, with evidence by Grau '181.

The deficiencies of Grau have been discussed above which deficiencies are incorporated by reference. While Grau '181 states that the panels discussed above are made of carpet, the Examiner concedes that Grau '256 "fails to expressly disclose the carpet being a needle loom carpet". The Examiner had not cited any reference teaching needle loom carpet and even if a needle loom carpet could be used in the Grau disclosure, the Grau references do not teach at least two panels of a flooring system made of the different materials with one of them being a needle loom carpet as in claim 17 and the other being selected from the Markush Group specified in independent claim 1. Accordingly, these references again fail to establish a prima facie case of obviousness for the claimed invention.

(9.) The rejection of claims 17-18 under 35 U.S.C 103 (a) as being unpatentable over Sjoberg '812 in view of Bettinger (U.S. 3,811,237). Sjoberg '812 neither teaches carpet, nor needle loom carpet contrary to the assertion set forth in the Final Rejection. While Bettinger '237 is cited to show that floor panels made of carpet and other materials, such as vinyl, are known it is not whether individual panels can be made of carpet or other materials, but whether a flooring system made of panels, at least two of the decorative surfaces of the panels being different and being formed of the materials set forth in the Markush Group of claim 1, from which claim 17-18 depend, are obvious. The Examiner has not cited any references, nor combination of reference which would teach the claimed invention. Accordingly, no prima facie case of obviousness has been established.

(10.) The rejection of claims 18-20, under 35 U.S.C. 103 (a) as being unpatentable over Grau '256 with evidence by Grau '181, in view of Sjoberg '906.

The deficiencies of Grau have been discussed above which deficiencies are incorporated by reference. Additionally, Sjoberg '906 does not teach a decorative surface comprising an elastomeric foil, but rather produces a floor panel having an elastomeric foil sandwiched between the decorative upper surface and the core of the panel. Although such an elastomeric foil does provide a floor with the dampening sound protection, it does not teach that it is known to use an elastomeric foil as a decorative surface of a floor panel and a system with other panels, at least one of which comprises a different decorative surface.

(11.) The rejection of claim 19 under 35 U.S.C. 103 (a) as being unpatentable over Sjoberg '812, in view of Bettinger '237, and Martensson '547.

It is conceded by the Examiner that Sjoberg '812 and Bettinger '237 "failed to expressly disclose where the floor comprises a thermoplastic foil". (Final Rejection, page 16, lines 11-12). However, applicant is not merely claiming a floor comprising a thermoplastic foil but rather a flooring system with at least tow floor panels where the thermoplastic foil is present on at least one floor panel and a different material is present on another floor panel. Such is not shown by the proposed combination of Sjoberg '812, Bettinger '237 and Martensson '547.

(12.) The rejection of claims 1 and 10 under 35 U.S.C. 103 (a) as being unpatentable over Sjoberg '906 in view of Sjoberg '812.

As noted above Sjoberg '812 does not teach a flooring system comprising a plurality of panels with anything other than different patterns on the surfaces. However, claims 1 and 10 do not require different patterns, but rather require different materials, which is not shown by either Sjoberg '812 or Sjoberg '906. Thus, the combination of references again fail to establish a prima facie case of obviousness for the claimed invention.

(13.) Lastly, claim 20 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Sjoberg in '812 in view of Bettinger '237 and Sjoberg '906.

Again it is conceded by the Examiner that the Sjoberg '812 and Bettinger '237 "failed to expressly disclose where the floor also comprises an elastomeric foil". (Final Rejection, page 18, lines 6-7). However, the claimed invention is not to a floor comprising an elastomeric foil but rather to a decorative surface of elastomeric foil. Sjoberg '906 does not teach any decorative surface of a floor panel which is formed of elastomeric foil and thus, even when combined with Sjoberg '812 and Bettinger '237 fails to establish a prima facie case of obviousness for the claimed invention.

For the foregoing reasons, reversal of all rejections by the Board are respectfully requested.

(viii) CLAIMS APPENDIX

A copy of the claims on Appeal can be found in claims Appendix

(ix) EVIDENCE APPENDIX

Not applicable

(x) RELATED PROCEEDING APPENDIX

Not applicable

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TP Pavelko', with a stylized flourish at the end.

Thomas P. Pavelko

Date: October 14, 2009  
Atty Docket No. 8688.049.US0000

**APPENDICES**

The following Appendices are attached to and made a part of this brief:

Appendix A	Claims on Appeal
Appendix B	Evidence (N/A)
Appendix C	Related Proceedings (N/A)



APPENDIX A: Claims on Appeal

1. A flooring system comprising a plurality of panels, the panels comprising a carrying panel provided with edges, said edges being provided with means for joining, said carrying panel further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels where each carrying panel is provided with an upper decorative surface on the upper side of the carrying panel and that the flooring system comprises panels having at least two of the decorative surfaces being different from each other and independently consisting of a decorative material selected from the group consisting of a thermosetting composite, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a fabric, a mineral and a mineral composite.
2. A flooring system according to claim 1 wherein the edges are provided with snap-joining functionality.
3. A flooring system according to claim 2 wherein the edges are provided with pre-applied glue.
4. A flooring system according to claim 1 wherein the thermosetting composite comprises cellulose and amino resin.
5. A flooring system according to claim 4 wherein the amino resin is selected from the group consisting of melamine-formaldehyde resin, urea-formaldehyde resin and mixtures thereof.
6. A flooring system according to claim 4 wherein the thermosetting composite further comprises hard particles selected from the group consisting of aluminum oxide, silicon oxide and silicon carbide, the particles having an average particles size in the range 50 nm - 150 µm.
7. A flooring system according to claim 1 wherein the thermoplastic composite comprises thermoplastic materials selected from the group consisting of polyvinyl chloride, ionomeric ethylene methacrylic acid copolymer, polyethylene, polypropylene, polybutene and

polycarbonate.

8. A flooring system according to claim 1 wherein the thermosetting composite comprises a radiation curing resin.

9. A flooring system according to claim 8 wherein the thermosetting composite further comprises hard particles selected from the group consisting of aluminum oxide, silicon oxide and silicon carbide, the particles having an average particle size in the range 50 nm - 150  $\mu$ m.

10. A flooring system comprising a plurality of panels, the panels comprising a carrying panel provided with edges, said edges being provided with means for joining, said carrying panels further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels where each carrying panel is provided with an upper decorative surface on the upper side of the carrying panel and that the flooring system comprises panels having at least two of the decorative surfaces of the carrying panels being different with one consisting of a thermosetting composite and with another independently consisting of a decorative material selected from the group consisting of a thermosetting composite, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a fabric, a mineral and a mineral composite; wherein the elastomeric foil is selected from the group consisting of thermoplastic elastomers, synthetic rubber and natural rubber.

11. A flooring system according to claim 1 wherein the thermoplastic foil is selected from the group consisting of polyvinyl chloride, inomeric ethylene methacrylic acid copolymer, polyethylene, polypropylene, polybutene and polycarbonate.

13. A flooring system according to claim 1 wherein the decorative surface is also provided with a surface structure.

14. A flooring system comprising a plurality of panels, at least one panel differing in at least one of aesthetic or mechanical properties from another panel of said system, each panel provided

with edges, said edges being provided with means for joining, said panel further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels where each panel is provided with an upper decorative surface and that the flooring system comprises panels with at least two of the decorative surfaces of the flooring system selected from the group consisting of a thermosetting composite, a thermoplastic composite, an elastomeric foil, a thermoplastic foil, a metal sheet, a fabric, a mineral and a mineral composite wherein at least one of the panels comprises a decorative surface comprising a thermosetting composition and at least one other panel of the flooring system comprises a decorative surface of elastomeric foil.

15. A flooring system comprising a plurality of panels, at least one panel differing in at least one of aesthetic or mechanical properties from another panel of said system, each panel provided with edges, said edges being provided with means for joining, said panel further being provided with an upper side and a lower side wherein the flooring system comprises a plurality of panels where each panel is provided with an upper decorative surface and that the flooring system comprises panels wherein at least a portion of the panels comprise an elastomeric foil as the decorative surface while the rest of the panels have a high-gloss wood design of thermosetting composite.

16. The flooring system according to claim 10 wherein the remainder of the floor comprises panels having a decorative surface of thermosetting laminate in the form of a high-gloss wood design.

17. The flooring system of claim 1 wherein the fabric comprises a needle loom carpet.

18. The flooring system of claim 17 wherein the floor also comprises a thermosetting composite.

19. The flooring system of claim 17 wherein the floor also comprises a thermoplastic foil.

20. The flooring system of claim 17 wherein the floor also comprises an elastomeric foil.

APPENDIX B: Evidence Appendix under 37 CFR §41.37(c)(1)(ix)

N/A

APPENDIX C: Related Proceedings Appendix under 37 CFR §41.37(c)(1)(x)

N/A